

REMARKS

Claims 1, 21, 29 and 32 have been amended and Claim 36 has been added. No new matter has been added. Support for the amendments and new claim may be found, for example, at pages 12 and 14 of the specification.

Claims 1-4, and 6-9 are Allowable

The Office has rejected claims 1-4 and 6-9 at paragraphs 1-1.8 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,341,160 ("Tverskoy") in view of U.S. Patent No. 6,853,714 ("Liljestrand") and further in view of U.S. Patent No. 5,826,026 ("Friedman"). Applicants respectfully traverse the rejections.

The cited portions of the above-cited references fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Tverskoy fail to disclose or suggest configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1. Instead the cited portions of Tverskoy disclose the setting of certain parameters for the operation of an answering machine for answering incoming calls. A user may, for example, set the number of rings, the telephone number of an Internet service provider, the user's e-mail account identification, password and other information such as the time and date of the incoming call. Therefore, the cited portions of Tverskoy fail to disclose configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1.

The cited portions of Liljestrand fail to disclose configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1. Instead, Liljestrand describes call routing instructions for processing received (i.e., incoming) calls and is silent with respect to initiating sending of the message (i.e., outgoing calls) and the audio file from the premises to the network node, as in claim 1. Specifically, Liljestrand in column 20, lines 58-66 describes call routing based on the type of call. Liljestrand describes determining the correct routing instructions for the call, for example, if the subscriber has a "Meet-Me" conference active, then callers are prompted to join. If the caller is not invited to the conference and/or does

not know the conference ID, the caller is forwarded to the subscribers voice mail. Therefore, the cited portions of Liljestrand fail to disclose configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1.

Further, the cited portions of Friedman do not disclose or suggest configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1. In contrast to claim 1, Friedman in column 7, lines 35-55, describes an off-line voice message communicator comprising a scheduling unit 210, which activates a network access activation unit 212 at predetermined times or with a predetermined frequency. The network access activation unit 212 typically actuates a network protocol processing unit 214 which is responsible for communications with the global network. The network protocol processing unit 214 is operative to format data to be sent along the network into the required network protocol and to translate received data into a format useful ultimately by a user. It is respectfully submitted that the formatting of data to be sent along the network into the required network protocol is different from configuring a messaging device of the called party to store outgoing messaging and connection parameters.

Therefore, the cited portions of the above cited references, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2-4 and 6-9 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited references.

For example, the cited portions of the asserted combination fail to disclose or suggest that the outgoing message has a format selected from the group consisting of an electronic mail message format, a mobile alert format, an IM format, an SMS format, an EMS format, and an MMS format, as in claim 6. Instead, Tverskoy discloses that the e-mail message may contain an attached voice message in WAV format, some other audio format, or compressed voice data. See Tverskoy, col. 5, lines 2-11. Further, the cited portions of Liljestrand and Friedman fail to disclose or suggest this element of claim 6. As discussed above, Friedman discloses that a

network protocol processing unit 214 is operative to format data to be sent along the network into the required network protocol which is different from defining a specific message format of an outgoing message. For this additional reason, claim 6 is allowable.

Claim 10 is Allowable

The Office has rejected claim 10 at paragraph 2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Tverskoy in view of Liljestrand and further in view of Friedman and further in view of U.S. Patent No. 6,304,636 ("Goldberg"). Applicants respectfully traverse the rejection.

The cited portions of Tverskoy, Liljestrand, Friedman, and Goldberg, individually or in combination, fail to disclose or suggest the specific combination of claim 10. The cited portions of Goldberg do not disclose the elements of claim 1 that are not disclosed by Tverskoy, Liljestrand and Friedman. For example, the cited portions of Goldberg do not disclose configuring a messaging device of the called party to store outgoing messaging and connection parameters and initiating sending of the message and the audio file from the premises to the network node utilizing at least one of the stored messaging and connection parameters, as in claim 1. Instead, Goldberg discloses all telephone calls intended for the called party at telephone 20 are automatically routed to network node 12 if the called party is unavailable at telephone 20 (i.e., the called party does not answer telephone 20 or telephone 20 is busy). *See* Goldberg, col. 2, lines 19-25. It is respectfully submitted that the "automatic routing" of all telephone calls to a network node 12 in the case where the called party is unavailable at telephone 20 is different from configuring a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 1. The messaging and connection parameters comprise, for example, an address of one or more intended recipients of the outgoing message, dialing instructions for connecting to a data network, username/password combinations, SMTP server identifiers and the like. In Goldberg, there is no teaching that the automatic routing of telephone calls is informed by messaging and connection parameters to determine parameter settings for routing such calls.

Therefore, the cited portions of Tverskoy, Liljestrand, Friedman, and Goldberg, separately or in combination, do not disclose or suggest each element of claim 1, or of claim 10, which depends from claim 1. Hence, claim 10 is allowable.

Claims 21-27 are Allowable

The Office has rejected claims 21-27 at paragraphs 3-3.7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Tverskoy in view of Liljestrand. Applicants respectfully traverse the rejections.

The cited portions of Tverskoy and Liljestrand do not disclose or suggest the specific combination of claim 21. For example, the cited portions of Tverskoy do not disclose configuring the messaging device to store outgoing messaging and connection parameters, as in claim 21.

Tverskoy discloses, initially, the user may set parameters for the operation of answering machine 12. (See Tverskoy, col. 2, lines 49-56). For example, the user may set the number of rings after which answering machine 12 will answer an incoming call. The user may also input information such as the telephone number of the Internet service provider 30, the user's e-mail account identification and password, and other information. As explained above with respect to claim 1, storing outgoing messaging and configuration parameters for determining how an outgoing call is transmitted to a unified messaging service is different from setting incoming answering machine parameters for determining how an incoming call is processed in a user answering machine.

Liljestrand, in contrast to claim 21, discloses call routing (to a called party) based on the type of (incoming) call. Liljestrand describes determining the correct routing instructions for the call, for example, if the subscriber has a "Meet-Me" conference active, then callers are prompted to join. If the caller is not invited to the conference and/or does not know the conference ID, the caller is forwarded to the subscribers voice mail. Further, the cited portions of Friedman do not disclose or suggest this element of claim 1. Therefore, claim 21 is allowable.

Claims 22-27 depend from claim 21, and are therefore allowable, at least by virtue of their dependence from allowable claim 21. Further, the cited portions of Tverskoy and Liljestrand, separately or in combination, fail to disclose or suggest addressing the electronic mail message to more than one intended recipient, as recited in claim 26. Instead, Tverskoy discloses that any email messages generated are sent to the user's own email account. *See* Tverskoy, col. 5, lines 24-25. Further, the cited portions of Liljestrand do not disclose this element of claim 26. For this additional reason, claim 26 is allowable.

Claims 29, 30, and 32-35 are Allowable

The Office has rejected claims 29, 30, and 32-35 at paragraphs 4-4.4 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,483,899 ("Agraharam") in view of U.S. Patent No. 6,621,800 ("Klein"). Applicants respectfully traverse the rejections.

The cited portions of Agraharam and Klein fail to disclose or suggest the specific combination of claim 29. For example, the cited portions of the above-cited references fail to disclose or suggest, a computer-readable medium having computer-readable data to configure a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 29. Additionally, claim 29 recites that the electronic email message that is composed in response to the voice message is an outgoing electronic email message. Contrary to claim 29, Agraham does not teach or suggest composing an outgoing email message. Instead, Agraharam is exclusively directed to a service feature which provides a benefit for an intended recipient of an incoming voice message who does not have access to a telephone for receiving an incoming voice message. In order to receive an incoming voice message an electronic mail message is provided instead, whereby the receiving party provides information to a network that the recipient desires to receive incoming voice messages as electronic mail messages. (See Agraharam, col. 5, lines 46 – 56). Therefore, there is no teaching or disclosure in Agraharam of computer-readable data to configure a messaging device of the called party to store outgoing messaging and connection parameters, as in claim 29.

As a further distinction, contrary to the teaching of Agraharam, claim 29 includes the prompting of the caller to leave both an audio message portion and non-audio data for inclusion with the message. Claim 29 recites in part, "..., to play a pre-recorded message that prompts the calling party to leave an audio portion of a message and that prompts the calling party to include non-audio data with the message."

Klein is cited by the Office for disclosing a voice messaging system for telephones connected using Voice Over Internet Protocol (VOIP). The cited portions of Klein do not teach the deficiencies noted in Agraharam with respect to claim 29. Hence, claim 29 is allowable. Claim 30 depends from claim 29, and is therefore allowable at least by virtue of its dependence from allowable claim 29.

Claim 32 recites "a messaging device configured to store outgoing messaging and connection parameters". As discussed above with respect to claim 29, the cited portions of Agraharam does not teach or suggest composing an outgoing email message. Instead, Agraharam is exclusively directed to a service feature which provides a benefit for an intended recipient of an incoming voice message who does not have access to a telephone for receiving an incoming voice message.

Applicants adopt their arguments above with respect to claim 29 in support of the position that claim 32 is likewise allowable. Hence, claim 32 is allowable and claims 33-35 are allowable by reason of their dependence from allowable claim 32.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

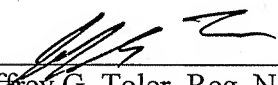
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10-21-2008
Date



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